

<sup>U.S.</sup>  
**THE AMERICAN  
SAMOAN COMMISSION**



**REPORT**



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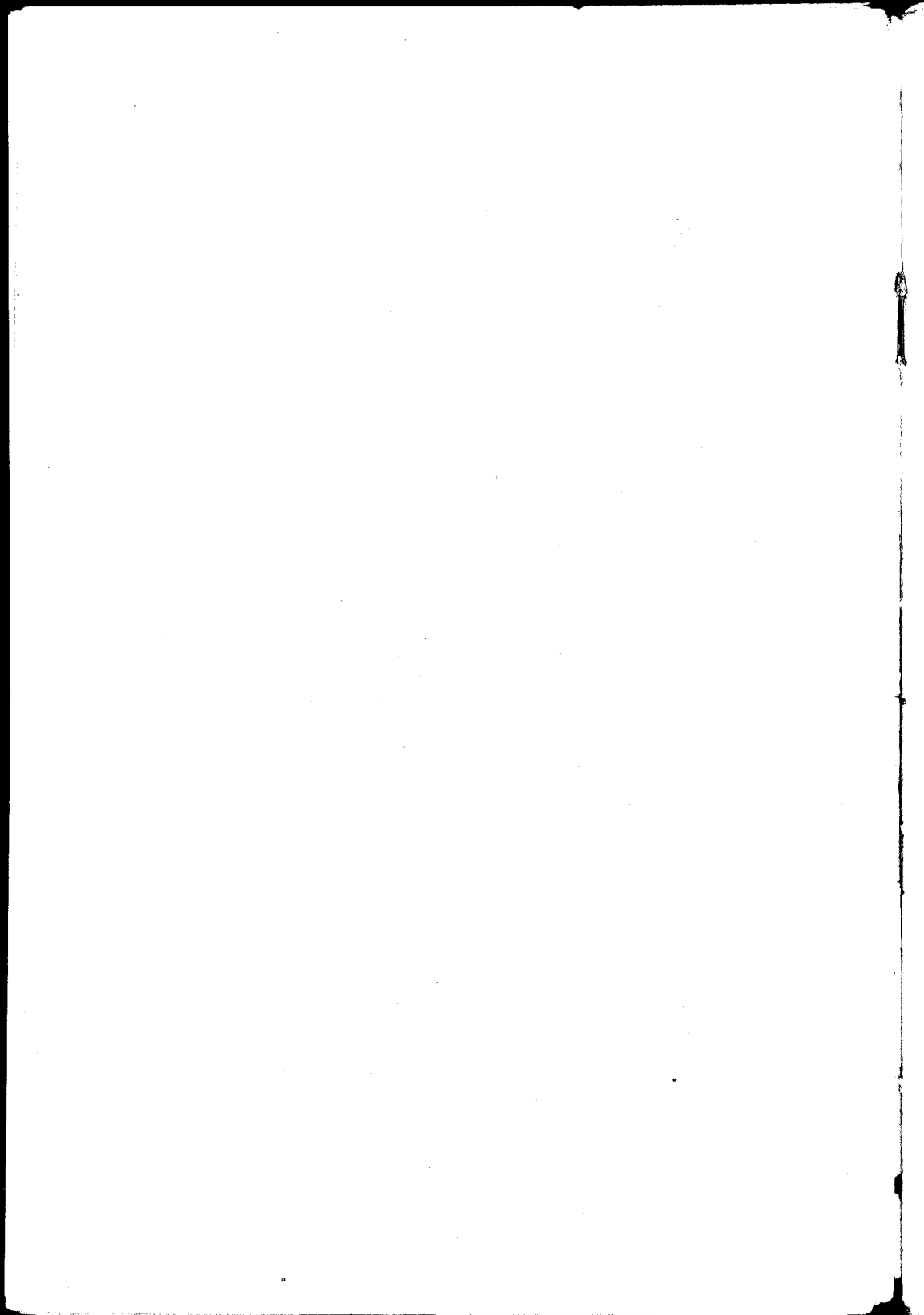
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I have the honor to inclose herewith, for transmission to the Congress of the United States, the official report of the American Samoan Commission, appointed in pursuance of the joint resolution of Congress approved February 20, 1929, being Public Resolution No. 89 of the Seventieth Congress, and of the joint resolution of Congress approved May 22, 1929, being Public Resolution No. 3 of the Seventieth Congress, together with an appendix containing a copy of a bill, the passage of which is respectfully recommended, and a copy of the Civil and Penal Laws of American Samoa annotated in conformity with the recommendations of the commission, the testimony of persons appearing before the commission, and letters, reports, and other pertinent papers gathered by the commission in its study.

Respectfully submitted,

HIRAM BINGHAM, *Chairman.*



## THE AMERICAN SAMOAN COMMISSION REPORT

The commissioners appointed and commissioned by the President in pursuance of Public Resolution No. 89 of the Seventieth Congress entitled "Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes," approved February 20, 1929, as follows:

[PUBLIC RESOLUTION—No. 89—70TH CONGRESS]

[S. J. Res. 110]

JOINT RESOLUTION To provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes

Whereas certain chiefs of the islands of Tutuila and Manua and certain other islands of the Samoan group lying between the thirteenth and fifteenth degrees of latitude south of the Equator and between the one hundred and sixty-seventh and one hundred and seventy-first degrees of longitude west of Greenwich, herein referred to as the islands of eastern Samoa, having in due form agreed to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over these islands of the Samoan group by their acts dated April 10, 1900, and July 16, 1904: Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) said cessions are accepted, ratified, and confirmed, as of April 10, 1900, and July 16, 1904, respectively.

(b) The existing laws of the United States relative to public lands shall not apply to such lands in the said islands of eastern Samoa; but the Congress of the United States shall enact special laws for their management and disposition: *Provided*, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of said islands of eastern Samoa for educational and other public purposes.

(c) Until Congress shall provide for the government of such islands, all civil, judicial, and military powers shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

(d) The President shall appoint six commissioners, two of whom shall be members of the Senate, two of whom shall be members of the House of Representatives, and two of whom shall be chiefs of the said islands of eastern Samoa, who shall, as soon as reasonably practicable, recommend to Congress such legislation concerning the islands of eastern Samoa as they shall deem necessary or proper.

(e) The sum of \$25,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended at the discretion of the President of the United States of America, for the purpose of carrying this joint resolution into effect.

Approved, February 20, 1929.

and in pursuance of Public Resolution No. 3 of the 71st Congress, approved May 22, 1929, as follows:

[PUBLIC RESOLUTION—No. 3—71ST CONGRESS]

[S. J. Res. 36]

JOINT RESOLUTION To amend Public Resolution Numbered 89, Seventieth Congress, second session, approved February 20, 1929, entitled "Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes."

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That paragraph (d) of Public Resolution Numbered 89, Seventieth Congress, second session, approved February 20, 1929, entitled "Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes," is hereby amended as follows: In line 1, strike out the word "six" and substitute therefor the word "seven"; in line 3, strike out the word "two" and substitute therefor the word "three"; and in line 3, between the words "chiefs" and "of," insert the words "or high chiefs," so that the said paragraph (d) will then read as follows:

"(d) The President shall appoint seven commissioners, two of whom shall be Members of the Senate, two of whom shall be Members of the House of Representatives, and three of whom shall be chiefs or high chiefs of the said islands of eastern Samoa, who shall, as soon as reasonably practicable, recommend to Congress such legislation concerning the islands of eastern Samoa as they shall deem necessary or proper."

Approved, May 22, 1929.

make the following report:

The islands of American Samoa from east to west are Rose Island, Tau, Olosega, Ofu, Aunuu, and Tutuila, with Swains Island distant 207 miles northward of Tutuila. Rose Island is a coral atoll, uninhabited. Swains Island is a low coral island not over 20 feet in elevation, with a population of 98 persons engaged in producing copra from about 800 acres of coconuts. The others are high islands of volcanic origin. The islands of Tau, Olosega, and Ofu are known as the "Manua group," and the island of Aunuu is included generally in the name "Tutuila." The sovereignty of the United States was extended to Swains Island and the island made a part of American Samoa by a joint resolution of Congress approved March 4, 1925.

The largest island, Tutuila, of irregular shape, with an area estimated at 40.2 square miles, is about 17 miles long and nearly 6 miles wide in the widest part, and is situated about 14° south of the Equator. It is distant from Honolulu 2,275 miles, from San Diego 4,190 miles, from San Francisco 4,150 miles, from New Zealand 1,565 miles, from Fiji 688 miles, from Guam 3,159 miles, from Manila 4,505 miles, and from Apia, in western Samoa, 80 miles. A rugged ridge extends nearly the entire length of the island. What little level land there is lies at the foot of the mountains along the coast, except along the southwestern part of the island where there is a plain devoted to coconut plantings. The mountains are heavily wooded and the island right to the water's edge is a mass of foliage of rare tropical luxuriance. Pagopago Bay, "the safest and best harbor in the South Seas," cuts the island nearly in two and, because of its shape, affords to ships smooth water during the heavier weather. On the bay is the old village of Pagopago and the naval station. Fagatoga lies behind the naval station. The harbor with its two wharves is well buoyed but lighted dimly. Other harbors of

some importance are Leone and Fagaitua on the south side and Fagasa and Masefau on the north side, all of little value except Leone. The highest point on Tutuila is Matafao, 2,141 feet in elevation.

Tau, 67.5 miles east of Tutuila, 14 square miles in area, rises like a huge cone to an elevation of nearly 3,000 feet. It has no harbor but has one good anchorage. Olosega and Ofu, with a combined area of 3.7 square miles, are separated from Tau by a channel 6 miles wide. Both are rugged and mountainous.

Natural passages to the landing beaches through the coral reefs have been widened by blasting. These need much improvement, however, before they can be relied upon for safety. On none of the islands are there any sizable tracts of unemployed arable land.

The climate is tropical and equable, the temperature ranging from an average of 82.28° in February to an average of 80.21° in July. The humidity is always high and the rainfall heavy, the annual average for 26 years being 197.15 inches. Hurricanes of great violence have occurred at intervals of about 10 years.

With the possible exception of Rose Island, there is no "public" land as that term is generally employed. Claimants exist for land even in the seemingly inaccessible portions, for even to those areas persons penetrate for the gathering of fiber plants, dyes, land crabs, and the other products of the forests.

The native inhabitants, racially considered, are Polynesians, cousins of the Maoris of New Zealand and the Hawaiians of the Territory of Hawaii. The ethnologists of the Bishop Museum testified that the Polynesian race is a mixed race with two elements predominant, Caucasoid and Mongoloid. There are no Negroid elements in the race. Their faces, of a light brown, have many distinctive marks of the European. The Samoan man is well formed, erect in bearing, with straight nose, chin firm and strong, forehead high, and hair black and soft, sometimes wavy. The women mature and age early. They do not preserve their early promise to the middle years as do the men. The 1930 census reported a total population of 10,055 souls, distributed as follows: Tutuila, 7,809; Tau, 1,243; Ofu, 466; Olosega, 438; Swains Island, 98. Of this number the number of white persons, excluding the 179 Navy personnel but including missionaries, is 45, and the number of half castes, part Samoans and mixed bloods, is 818. The last figure includes the following mixed bloods: Part Japanese, 25; part Filipinos, 8; part Negroes, 8; part Chinese, 7; part Fijian, 6; part Javanese, 3.

The Samoan social organization was the chieftain system. Each family group elected or selected its own head. His title was that of "matai" and he ruled the family so long as he furnished it efficient leadership. When he became inefficient he was deposed. He held the power of life and death over the group. The semblance of the office remains although shorn of this arbitrary power. To-day the family group discusses matters led by the matai. No votes are taken. Conclusions are reached after much deliberation and when once arrived at the matai speaks for the family group. Originally the family lands were worked by the family and practically everything was owned in common, as it were, used and consumed by those who required it. There was under this system no incentive to effort

on the part of the individual. Thrift brought no reward. However, 30 years of contact with American civilization have weakened this communal organization. The idea of personal property owned by the individual has infiltrated deeply. There are complaints from those not matais that the leadership of old is lacking and that it is not practical now to depose a matai. The schools have hastened the new ideas. The children are oriented away from the old culture. The thinkers among the chiefs wish the best for their children, but admit that the changes have come and that sooner or later much of the old order will go. They look at these changes regretfully, but turn with hope and confidence to the possibilities of the future.

The chiefs of Samoa are courteous gentlemen of great personal dignity, perfect hosts, living in a society nearly free from industrialism, where food is abundant and nature prodigal in her beauty. They love to entertain—with speeches full of high-sounding phrases and Biblical references, with songs in chorus and dances, with elaborate presentations of food and gifts, and, above all, with the ceremonies of kava drinking in which their rank is recognized by the order of service of the cup. The thing of greatest prize to a chief is his title and the status it affords. They love the "malaga" or journey of ceremony, now curbed by law. It is becoming increasingly difficult for them to do these things.

The only newspaper is the Government sheet *O le Fa'atonu*, used chiefly to proclaim notices of various kinds. Every village has one or more churches. Christianity came to Samoa in 1830. Most of the Samoans are church members and nearly everybody goes to church. Family prayers is the rule and Sunday is a day of rest. The people are intelligent, amiable, and hospitable to a remarkable degree. Every head matai is supposed to have a guest house.

There are no factories. Every family can raise or make those things needed for food and shelter. But new wants and appetites are changing this situation. Under the Navy administration the health of the people is good. Contact with the outside world exists through the naval radio station and the triweekly mail steamers.

The public school system consists of 21 schools with a teaching staff of 52. Thirteen of these schools complete fourth-grade work, six schools complete sixth-grade work, and two schools complete eighth-grade work. Five of the teachers are white. Education is supposed to be compulsory through the fourth grade, but from 15 to 20 per cent of the children of school age do not attend school. All but two of the schools are poorly equipped. Because of the poor pay the best teachers leave the service when opportunity offers.

Samoa is a one-crop country and the crop is copra, sold by the Government for the producers. In 1929 the production was 1,687 tons which sold for \$147,215.90. The handling charges less shrinkage were \$13,303.09.

For 1930 there are 2,299 taxpayers. The inventory of island government assets as of June 30, 1930, stands at \$261,365.68, of which sum \$174,220 represents the value of land and \$72,440 the value of buildings and structures. For the fiscal year ended June 30, 1930, the total expenditures of the island government were \$131,929.48, while the receipts were \$133,772.05. Of these receipts



the native tax department produced \$22,091.50 and the customs department \$95,739.53.

The people of American Samoa governed themselves before 1900. They have never been conquered. For 30 years they have submitted to the benevolent rule of the Navy of that nation to which they had turned in their distress and fear of foreign aggression. The record of those years, both for the governors and the governed, is a splendid one. The changes in native culture and thought which those years have brought have been recognized both by the leaders among the people of American Samoa and by some of the recent governors.

A majority of the commissioners met from time to time and effected a partial organization of the commission at Washington, D. C. As soon as congressional duties permitted, the majority of the commissioners proceeded to Samoa on the U. S. S. *Omaha*, John Downes, captain, via Honolulu from San Pedro, Calif. Accompanying the commissioners was Capt. W. R. Furlong, United States Navy, of the office of island governments, Navy Department, who assisted greatly in presenting to them the various reports of the governors of American Samoa and other pertinent data. These were studied on the voyage, together with letters of complaint and suggestions for the future received from persons interested in Samoa. Mr. Albert F. Judd of the bar of Hawaii served as legal adviser to the commission. At Honolulu the experts of the Bishop Museum, by request, furnished testimony regarding the racial characteristics and social organization of the Samoans, a tribe of the Polynesian race, and other persons appeared to present their views regarding the future of American Samoa. In Samoa the commission had many conferences between its seven members and visited all principal settlements. Public hearings, after full notice, brought forward those who wished to address the commission. These were held in each of the districts of American Samoa, with large attendance of interested listeners.

In addition to receiving the views of the former governors of Samoa, carefully matured and discussed among themselves, and the impartial and illuminating statements of the Bishop Museum ethnologists regarding the Polynesian race in general and the people and chiefs of Samoa in particular, the contact made by the commission brought to it the opinions of all elements making up the community of American Samoa, the chiefs in particular, who are the natural leaders of the native people, holding the position of matai, the higher chiefs or alii and the talking chiefs, or tulafales, representatives of the commoners, the half bloods and the officials of the local government, both native and American. No one who expressed a desire to address the commission was denied. In this cross section of native opinions were heard the conservatives who desired no change in their government, others who, while expressing grateful appreciation of the help and assistance given by the Navy administration, thought the time had come for the people to participate in the making of the laws for their governance and that the short term of office of the Navy governor (18 months) worked to the disadvantage of the people of Samoa, and the extreme pro-

gressives among the organization, called the "Mau," who urged a \$10,000,000 trust fund be created for the benefit of Samoa and the confining to the naval station of the activities of the Navy officers; and many who expressed modifications of the two positions last above stated. Great satisfaction was expressed over the fact of annexation to the United States by the recent act of Congress; sincere, and expressed with deep emotion, were the pleas that the inhabitants of American Samoa be given full recognition as citizens of the United States; these two matters were uppermost, none disagreeing therewith. Complaints against the Navy administration were few, while appreciations thereof were many and gratefully stated. Even the leader of the progressive organization, called the "Mau," said in substance, "now that by annexation we are part of the territory of the United States we have no complaint to make against the Navy."

The main principles of the report were reached in concert by the seven commissioners who agreed unanimously thereon. It was deemed by them advisable and in the public interest to issue an authoritative statement thereof publicly to the people of American Samoa while the commission was in Samoa, and in this view the Governor of American Samoa concurred. This was done. The three Samoan commissioners asked the chairman on their behalf to proceed to an early completion of the report, requesting that they be consulted by radio in any important deviation from this basis. This has been done.

The preliminary portion of this report has been descriptive mainly of the five islands of American Samoa, the inhabitants, the existing institutions, the productions, the climate, the harbors and shipping facilities, various conditions of general interest, and the contacts made by the commission while engaged in its duties. The following portion is devoted mainly to a discussion of the legislation proposed by the commission as set forth in the bill "An act to provide a government for American Samoa," submitted herewith.

The information furnished by the Navy Department, by the Governor of American Samoa, by the persons appearing before the commission, by personal contact and observation made in American Samoa has brought the commission to the following conclusions: That the administration of American Samoa for 30 years by the Navy has been admirable and one sincerely purposed to protect the Samoans; that the time has come to do away with administration by rules, regulations, and orders and to begin that by law under an act of Congress in which the functions of the governor shall be confined to the executive, the courts presided over by a chief justice independent of the governor, and the legislative authority vested in an assembly of the people; that the Samoans are capable of accepting and should receive full American citizenship; that they be given a bill of rights and a form of government, flexible in nature, which will allow them to develop themselves, should they so choose, away from their present communal system of social organization and property into one more completely in tune with American civilization, and yet maintaining those native customs which they may wish to preserve; that the future of American Samoa depends largely upon a continuation of enlightened and disinterested leadership furnished

by the Government of the United States; and, finally, that the importance of making this leadership effective is a matter of national concern.

The recommendations of the commission are set forth in detail in the bill printed herewith and may be summarized as follows:

That the islands described in the said acts of Congress of 1925 and 1929 be not erected into an organized Territory at the present time but be given a provincial status as a body politic under the name of "American Samoa" with its own bill of rights and not the United States Constitution as its guaranty of personal liberties, and with the continuation of its present organization of government changed only in two important matters—first, by removing from the governor all judicial power and legislative authority except the veto and the initiation of legislation, and second, by abolishing the office of the secretary of native affairs and providing for a chief justice, independent of the governor, to perform all the judicial functions of that former office, and for an attorney general to perform the other duties thereof. Section 2 et seq.

The bill of rights recommended has been phrased as near as may be in consonance with the language of the Constitution on those subjects calculated to afford protection to the individual, without doing violence to long-established native institutions. The reasons for the recommendation regarding the changes in the power and authority of the governor are obvious. Such changes and the bill of rights would inaugurate the rule of law as distinguished from the rule by orders. Heretofore the office of the secretary of native affairs has been charged with too many duties. Its title has created the idea among the other officials of the government that he and not they have the duty of studying native problems in contact with the inhabitants. Under the changes suggested, prosecutions of important cases would be the function of the attorney general, in addition to which he would take charge of many matters under the governor and stand by to assume the duties of the governor during his absence or disability.

That, except as changed by the act, the present laws of Samoa, known and understood by the inhabitants, be continued in force until amended or repealed by the local legislative authority or by Congress. The act would repeal all laws not stated and set forth in the official "codification" and those inconsistent with the provisions of the act, and would amend certain others to bring them into conformity with the act. Sections 1, 6, 7.

That the inhabitants of American Samoa on February 20, 1929, and their children born subsequently be made citizens of the United States. Provision is made for those natives of American Samoa residing in Hawaii or the mainland of the United States, or temporarily elsewhere, to preserve evidence of their new status. Section 3.

The people of American Samoa freely and without reserve offered the sovereignty of their islands to the United States. This offer Congress has accepted. These people owed no allegiance to any foreign government. They were autonomous. For generations they had successfully governed themselves. They are of the same race as the Hawaiians. Their loyalty to the United States and their intense longings to have made certain their national status demand recognition.

It is believed confidently that the granting of American citizenship and the right to participate in the making of laws will do away largely with the causes which brought into existence the anti-Navy movement in Samoa called the "Mau," and that it is reasonable and proper that such participation by all elements in the population should be encouraged.

That there be created also a citizenship for American Samoa among the American citizens thereof in which there shall be no discrimination against any person of Polynesian blood on the ground that he is not of so-called full blood, a local citizenship in which residence for five years in American Samoa shall be a qualification, and concerning which the people of American Samoa may make qualifications if and when they so choose. These provisions will enable the people of American Samoa to decide for themselves many questions which now perplex and which can easily be decided unfortunately if decided prematurely; and will recognize as part of the body politic those of the mixed blood, a permanent element of the population which should be used to the advantage of the community.

### Section 3.

That a restriction be placed on the Government of American Samoa against the making of alliances, confederations, or treaties. Treaties have been made in the past with the authorities of western Samoa by the Governor of American Samoa. These other islands of Samoa, one of which is distant from Tutuila only 80 miles, are inhabited by relatives of the residents of American Samoa, and discussions looking to treaties and alliances are not unlikely unless prohibited by Congress.

That the scheme of government for American Samoa as above summarized is calculated to bring to its inhabitants all the changes that are presently desirable, at the same time permitting a continuation of the assistance of the Navy, to enable the inhabitants to make such progress in the art of self-government as they themselves desire, under a flexible system which can develop as the changes in thought come to them; and to build up the idea, which is not now clear in their minds, of an island government separate and distinct from the Navy officials, a government in which the ambition shall be to become self-sustaining with the expenditures kept within the islands' income.

That the legislative authority of American Samoa be reposed in the native general assembly called the "Fono," one house, meeting in November each year, of 30 delegates, selected after discussion according to native custom, 10 from each of the three ancient districts of American Samoa, together with the native district governors, the county chiefs, and the district judges of each district. Thus, the people will be left to continue to choose their representatives as they have in the past and, when they so wish, to change the method of elections. It will be noted that certain restrictions to membership in the Fono have been recommended; all members must be citizens of American Samoa; none can sit who have had their civil rights taken from them; insane persons are excluded. That the power of the Fono be extended to all rightful subjects of legislation but with restrictions against the granting of franchises without congressional approval; against the granting of private charters, but allowing the formation under general laws of companies for certain purposes; against the granting of divorces by the Fono in any event and by the courts, unless the applicant shall have resided in American Samoa for the one year next preceding the application; against lotteries; against the use of public moneys for private schools; against the creation of any public debt except for public defense or public improvements, and in both events with a limit of indebtedness to 10 per cent of the total assessment of property for taxation purposes and a provision that not more than 3 per cent of such indebtedness may be incurred in any one year; against the use of the public domain for credit purposes; against the issuance of any public bonds with a term in excess of 30 years and without the approval of the President of the United States, and without provisions for complete amortization during the life of the bonds.

Section 12.

Section 33.

The people of American Samoa are changing from the aboriginal system of social organization and property in which ownership was communal. These changes began a generation ago and are the inevitable result of contact with the so-called western civilization. They can not be stopped or obliterated. As yet the taxes for the general purposes of government are imposed therefor as a poll tax and not on property. It is expected that a system based on property assessments will be adopted by the people sooner or later, hence some of the above restrictions. Others of these restrictions have been recommended after a study of the history of legislation in the Territory of Hawaii, the only other American jurisdiction wherein American institutions have been adopted by a community originally Polynesian. As a guide to the Fono in its new responsibility, measures are recommended dealing with the usual subjects of the constitution of a quorum, the demand for yeas and nays, exemp-

Sections  
15-26.

tion from liability for speeches made, exemption from arrest, enacting clause, title to laws and signing bills.

**Sections  
27-28.**

That the veto power on legislation, as to specific items in appropriation bills and entire bills on other subjects, be reposed in the governor, with an appeal to the President should the governor's veto be overridden by the Fono. These provisions, new to American Samoa, are set forth in detail in the act so as to be understood clearly by the people.

**Section 31.**

That the governor be directed to submit to the Fono estimates for appropriation bills and such other measures as he may consider to be in the people's interest, and that in the event of an appropriation bill not being passed, the sums named in the last appropriation bill shall be deemed to have been reappropriated.

**Section 54.**

That no money shall be drawn from the treasury but in consequence of appropriations made by law, and that full publicity be given at regular times to the statement of the receipts and expenditures of government.

**Section 34.**

That the Governor of American Samoa be appointed by the President of the United States by and with the advance and consent of the Senate, and that in the selection the choice may be made from among the active, retired, or reserve officers of the Navy and Army as well as from among civilians. It is recommended that no such officer be denied the benefit of the salary of governor if his allowances as such officer are less than the salary. That the governor be vested with the executive authority of the government of American Samoa and with power to grant pardons and reprieves and to make all appointments not otherwise stated by law and that his annual report shall be transmitted to Congress.

**Section 39.**

**Section 35.**

That the governor shall be responsible for the faithful execution of the laws.

**Section 34.**

That the term of office of the governor be at the pleasure of the President. This provision is inserted at the request and for the benefit of the inhabitants of American Samoa to the end that an incumbent who has become acquainted with the people and with their manners and methods of thought and life may remain with them as the head of the government and their leader and not be summarily removed simply because an arbitrary period of time has expired. This provision exists in other jurisdictions and is eminently required in American Samoa, for the Samoans, like all Polynesians, are apt to look more to the man who leads than to such an abstract thing as the law.

**Section 37.**

That there be an attorney general appointed by the President, by and with the advice and consent of the Senate, to hold office at the pleasure of the President, who shall perform the duties of nonjudicial character now imposed on the secretary of native affairs, conduct important prosecutions in the courts, report to the Con-

gress the acts of the Fono and to the President the proceedings of the executive and serve as acting governor in the absence or disability of the governor. **Section 38.**

That there be a chief justice appointed by the President, by and with the advice and consent of the Senate, whose term of office shall be four years, this official, independent of the governor, to be the center of the system of courts. It is recommended that, except as above noted, the present system of courts be continued and be subject to such modifications as the people of Samoa may decide. There is no present need to introduce the jury system. In the act proposed the people of American Samoa are left free to inaugurate that institution later if they so choose. There is no local objection nor any theoretical objection to the system now in vogue of having the "American judge" sit in the lower courts with the district judge, and again preside over the upper court on appeal. **Section 39.**

That the chief justice be required to present advisory opinions to the governor or the Fono on important matters of law. This provision of law existed beneficially in Hawaii and pertains in some States. In Samoa it should prove helpful and preventive of discord. **Sections 40-43.**

That appeals in all important cases in the court of last resort of American Samoa be allowed to the United States District Court for the District of Hawaii, such appeals to be heard in Samoa to avoid delays and expense to the parties litigant. It is believed that this recommendation will be not only stimulating to the administration of the law in the courts of American Samoa but also, as a tangible evidence to the people of American Samoa of their new status, be helpful to the general administration of that government. **Section 41.**

That the Federal Government directly bear the salaries of the governor, the attorney general, and the chief justice, as it is now doing as to certain officials in the case of the Territory of Hawaii. The salaries suggested may seem generous, but the posts, long distant from the mainland of the United States, should be filled by the best type of men for whose services other interests will be calling. Transportation for them and their families should be provided and leaves of absence allowed along the lines proposed in the act. The high standard of the American personnel in the island government must be continued if the Nation's record in American Samoa in the future is to be a successful one. **Section 44.**

That as to wharves, landings, and other public property now belonging to or which may later be acquired by the government of American Samoa provision be made in the act for their control, administration, and maintenance to the end that responsibility be defined and the idea of local government fostered. **Section 45.**

**Sections 46-47.**

**Sections 48.** That the public lands shall not be sold but be administered for the benefit of the people of American Samoa for educational and other purposes. This provision is consonant with the pertinent paragraph in the joint resolution of Congress accepting the cessions. While it is believed that there are few, if any, areas of public land, as that phrase is commonly used, yet Rose Island may be an exception, and an investigation, with a survey of the lands, may disclose other areas. Therefore, this provision is recommended.

**Section 49.** That the ownership of private land be confined to persons who are citizens of American Samoa and that leasehold interests for a longer term than 20 years be prohibited. The present law of Samoa makes 40 years the limit of leaseholds. It is believed that such is too long a term, as it amounts to a virtual alienation for the remainder of the lessor's life in most cases.

The restriction regarding the ownership of land is calculated to protect the inhabitants from exploitation by outsiders and at the same time to do away with the arbitrary discrimination against persons of the half blood who, since 1900, have been denied land ownership in the land of their birth. This measure has the support of the great body of the chiefs and people of American Samoa. While the lands generally are held in family ownership, there are a few areas not in the communal system, titles to which were granted and recognized before 1900. The act recognizes and protects these ownerships as an exception to the general law.

**Section 51.** That the quarantine regulations of American Samoa be under the control of the Federal Government and that the Public Health Service be extended to American Samoa.

**Section 52.** That, due to the necessity of maintaining the revenues of the Government of American Samoa, the customs duties collectible at Pagopago should not be lowered or abolished. This requires provision in the act making it definite that the tariff laws of the United States do not apply in American Samoa. This provision is also needed to maintain the integrity of the Berlin treaty of 1899, which guaranteed as to all the islands of Samoa the open door of trade to the signatories, the United States, Germany, and Great Britain. It is also necessary for the good of the people of American Samoa that the markets of the mainland be available to them for the products of American Samoa. This is provided in the act and in such manner as not to permit imports into the United States from American Samoa of merchandise and articles not the growth, production, or manufacture of American Samoa.

**Section 53.** That naturalization matters be triable in the courts of American Samoa under the naturalization laws of the United States, but that those laws be amended so as not to deny their benefits to persons of Polynesian blood



solely on the ground of their ancestry. The record as American citizens now for over 30 years which has been made by the Hawaiians, who are of the same race as the Samoans, is sufficient justification for this recommendation, backed up as it is by the matured conclusions of the ethnologists stated above.

That the people of American Samoa be relieved of all taxation for the benefit of the Government of the United States and that the internal revenue and income tax laws and other laws on this subject be made inapplicable to American Samoa, unless specifically so stated. **Section 5.**

That the immigration laws of the United States be made inapplicable to American Samoa, so that that subject may be legislated upon by its people as they wish. The reason for this recommendation is that the near relatives and kindred of the inhabitants live only 80 miles away in the islands of Samoa mandated to New Zealand. There always has been, and probably always should be, freedom of travel between the two divisions of the race (separated as they are only by the accident of history), travel untrammelled by technicalities evolved to meet conditions greatly different. **Section 5.**

That the provisions of the maritime laws restricting to vessels of the United States the transportation of merchandise and passengers between any ports of the United States to another port of the United States be made not applicable to foreign vessels engaged in trade between the islands of American Samoa and between those islands and the United States. This amendment to existing law is required to maintain the integrity of the Berlin convention of 1899 between the United States, Great Britain, and Germany, wherein it was covenanted "It is understood and agreed that each of the three signatory powers shall continue to enjoy, in respect to their commerce and commercial vessels, in all the islands of the Samoan group, privileges and conditions equal to those enjoyed by the sovereign power, in all ports which may be open to the commerce of either of them." **Section 5.**

That the laws of the United States relating to Territories in general be made inapplicable to American Samoa. This refers to sections 1453 to 1485, inclusive, and sections 1487 to 1489, inclusive, of the United States Code. The subject matter of these sections is either inapplicable to American Samoa or else is covered in the act proposed. **Section 5.**

That the laws of the United States, except as otherwise provided and as above recommended, shall be extended to American Samoa. **Section 5.**

That Swains Island, because of its small population and trade and its comparative inaccessibility from Pago-pago, be administered as though it were a part of the naval station of Tutuila as near as may be in accordance with the laws applicable in the other parts of American Samoa. **Section 55.**

Earlier in the report reference was made to the inadequate and dangerous small boat passage through the reefs. Particularly in the Manua group of islands is it important that better facilities be provided so that persons may land in greater safety and the copra can be shipped with fewer losses. Extensive wharves and breakwaters are not recommended, but it is important to provide the people of the villages of American Samoa with better passages through the reefs by blasting the coral and, where feasible, with pools at the beaches behind the reefs, in which the whaleboats can be laden. Certain trails also should be improved to make easier the portage of copra to the beaches. All of the copra is collected at Pagopago and shipped thence to market. The island government acts for the native owner and pays them the returns less the cost of shipping. It is apparent that the cost of shipping soon will be increased when the three Oceanic Steamship Co.'s vessels, the *Sierra*, *Sonoma*, and *Ventura* are replaced by the two larger and faster steamers now being built for that trade, for these new vessels are to be of a draught which will not make it possible for them to use the present Navy wharf in Pagopago Harbor. Lighters will be required unless the wharf is widened 15 feet so as to bring the wharf to deeper water. It will cost \$150,000 to widen the wharf and install the needed dolphins, according to the estimate of the Navy engineer at the Pagopago Naval Station. On the other hand, the cost of a lightering system, four barges, launch, warping winch, etc., and repair ways for launch and barges is estimated at \$122,000 and the annual cost of operation with depreciation at 15 per cent is estimated at \$24,440. In view of the above, the commission recommends that an appropriation be authorized for \$210,000 for the widening of the wharf and the improvement of boat passages and trails. With but two exceptions, in 30 years no direct appropriation has ever been made by the Congress for the benefit of the Samoans. Many suggestions in this regard have been presented to the commission, but none have appealed to the commission as strongly as these items which are calculated to provide better, cheaper, and safer avenues for commerce.

The bill herewith presented for the consideration of Congress is deemed by the commission to be such a measure for the government of the islands of American Samoa as will promote the interests of their people and at the same time promote the interests and maintain the sovereignty of the people of the United States.

HIRAM BINGHAM.  
JOE T. ROBINSON.  
CARROLL L. BEEDY.  
GUINN WILLIAMS.  
MAUGA.  
TUFELE.  
MAGALEI.

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**PROPOSED ORGANIC ACT  
OF THE GOVERNMENT OF AMERICAN SAMOA**

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# PROPOSED ORGANIC ACT OF THE GOVERNMENT OF SAMOA

A BILL To provide a government for American Samoa

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## CHAPTER I—GENERAL PROVISIONS

### DEFINITIONS

SECTION 1. That the phrase "the laws of American Samoa," as used in this Act without qualifying words, shall mean the laws of American Samoa in force on the 16th day of October, 1930.

The statute law of American Samoa then in force as set forth in a compilation made by A. M. Noble under the authority of the governor of American Samoa and published in one volume in 1921, entitled "Codification of the Regulations and Orders for the Government of American Samoa" and the amendments thereto, as certified to by G. S. Lincoln, governor of American Samoa on October 16, 1930, as "a complete and accurate copy of all existing laws, rules, and regulations which apply to the inhabitants of American Samoa," and in the "Customs, Immigration, and Harbor Regulations of American Samoa," printed in one volume, and certified as a correct and accurate copy on said date by said governor, are referred to in this Act as "Codification" and "Customs Regulations." That all laws not appearing in the "Codification" and "Customs Regulations" are hereby repealed.

SEC. 2. That the islands acquired by the United States of America under the Act of Congress entitled "Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes," approved February 20, 1929, and the Act of Congress entitled "Joint resolution extending the sovereignty of the United States over Swains Island and making the island a part of American Samoa," approved March 4, 1925, shall be known as American Samoa.

### CITIZENS; BODY POLITIC

SEC. 3. That a provincial government is hereby established over the said American Samoa with its capital at Pagopago (Fagatoga) on the island of Tutuila. That it shall not enter into any treaty, alliance, or confederation. That all persons of full or part Polynesian blood who were inhabitants of American Samoa on February 20, 1929, and their children born subsequent thereto, are hereby declared to be citizens of the United States of America. Those inhabitants of American Samoa of full or part Polynesian blood who, on said date, were residing on the mainland of the United States or in the Territory of Hawaii may, within two years after the taking effect of this act, file declarations in a district court of the United States to record their status as such, and those inhabitants of full or part Polynesian blood then residing elsewhere or engaged in foreign travel similarly may file such declarations with the Governor of American Samoa.

The people of American Samoa through the legislative authority of that Government shall determine from time to time the qualifications necessary for citizenship in American Samoa, but no person shall be qualified to become a citizen of American Samoa who is not a citizen of the United States, nor shall American Samoan citizenship be denied to any person of full or part Polynesian blood, otherwise qualified.

And until otherwise provided by law citizens of American Samoa shall be those persons of full or part Polynesian blood, being citizens of the United

States by virtue of this Act, who have resided in American Samoa for the five years preceding the taking effect of this Act, and all other persons of full or part Polynesian blood who, being American citizens, shall have resided in American Samoa for five years.

They shall constitute a body politic under the name of the people of American Samoa, with governmental powers as in this Act set forth and with power to sue and be sued as such.

#### BILL OF RIGHTS

SEC. 4. No law shall be enacted respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized. No person shall be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself. In all criminal prosecutions the accused shall have the right to a speedy and public trial; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in American Samoa. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion or imminent danger thereof the public safety shall require it. No ex post facto law shall be passed. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

SEC. 5. That, except as otherwise provided, all the laws of the United States, including laws carrying general appropriations, shall have the same force and effect within American Samoa as elsewhere in the United States: *Provided*, That sections 1453 to 1485, inclusive, and sections 1487 to 1489, inclusive, title 48, United States Code, and the amendments thereof, shall not apply to American Samoa, nor shall there apply to American Samoa any law of the United States dealing with or covering the following general subjects: Public lands, immigration, internal revenue, tariff, and income tax, unless specifically so made applicable by the Act of Congress.

The provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from any port of the United States to another port of the United States shall not be applicable to foreign vessels engaging to trade between the islands of American Samoa or between those islands and the United States.

SEC. 6. That the laws of American Samoa not inconsistent with the provisions of this Act shall continue in force, subject to repeal or amendment by the legislative authority of American Samoa or the Congress of the United States.

SEC. 7. That the laws of American Samoa as set forth in the following sections of the codification and relating to the following subjects, are hereby repealed: Codification, section 3, form of government, paragraphs 4, 26, 33, 39, 42, and 45, and last sentence in paragraph 10; section 7, oaths; section 71, alienation of native lands, paragraph 7; section 99, taxation of visitors.

SEC. 8. That the laws of American Samoa as set forth in the following sections of the codification, and relating to the following subjects, are hereby amended as follows: Section 3, Form of government, paragraph 1, delete "The laws of the United States shall be considered to be in force in American Samoa, subject, nevertheless, to the provisions of this declaration and such laws and regulations as shall, from time to time, be promulgated by the Governor of American Samoa, and", paragraph 3, line 7, delete "for enactment by the governor, upon his approval", paragraph 11, delete from the first sentence "and shall hold courts as directed by the governor" and insert at the beginning of the sentence:

"Except as otherwise provided", paragraph 17, delete "the jail at the United States naval station" and insert "jail", paragraph 19, delete "and approved of by the governor", in paragraphs 14, 20, and 30 delete the word "natives" and insert "citizens of American Samoa," and delete the word "foreigners" and insert "those not citizens of American Samoa", paragraph 27, delete "governor" and insert "chief justice", paragraph 34, delete "His duties shall be to act as secretary to the governor, to," and insert "The Attorney General shall," and delete "under the instructions of the governor, and shall take the oath prescribed by law upon taking office" and insert "as prosecuting attorney in all felonies," paragraph 35, delete the second and third sentences and insert "The head of the department, with the title of 'public health officer,' shall be appointed by the governor", paragraph 43, delete "in the administration building, naval station", paragraph 46, delete the last sentence and insert "The governor shall call the Fono in extraordinary session whenever in his judgment the public interest requires it", paragraph 47, in line 2, delete "answers to the", in line 3, delete "published in the proclamation and on those," and delete the second sentence; section 8, Pay of native judicial officials, paragraph 1, in lines 9 and 10, delete "the governor shall prescribe" and insert "by law provided," and in line 11 before "compensation" insert "additional", paragraph 2, delete in line 6 "the governor may prescribe" and insert "by law provided," and in the last line delete "governor" and insert "chief justice", paragraph 3 delete "governor" and insert "chief justice"; section 16, Bank of American Samoa, paragraph 4, delete "Navy Department" and insert "governor"; section 17, Births and deaths, paragraph 6, delete "native" and insert "person of Polynesian blood" and delete "foreigner" and insert "person not of Polynesian blood"; section 64, Immigration, paragraph 1, delete "foreign", paragraph 2, delete "a foreign" and insert "any", paragraph 3, at the end of the first sentence add "and until they have made such deposit they shall not be considered to have legally entered nor be entitled to remain in American Samoa," at the end of the second sentence delete "a foreign" and insert "any," and at the end of the third sentence delete "the governor find the person aforesaid undesirable for any reason" and insert "he be convicted of an offense against the laws of American Samoa", paragraph 5, in line 5 insert after "persons" the words "and also those who are not legally entitled to remain in American Samoa", paragraph 6, add "Persons also are undesirable who are not legally entitled to remain in American Samoa because of failure to make said deposit"; section 67, Department of Education, paragraph 2 (a) delete "the allotments of his department in the budget approved by the governor, and with the orders of the governor" and insert "law", paragraph 3, in line 4, delete "Samoans" and insert "citizens of American Samoa"; section 71, Alienation of native lands, paragraph 1, delete "aboriginal natives of the island of Samoa" and insert "citizens of American Samoa", paragraph 2 (as amended), delete "native Samoans" and insert "citizens of American Samoa", paragraph 3, delete "forty" and insert "twenty"; section 73, paragraph 1, delete "native lands" and insert "land owned by citizens of American Samoa" and delete "forty (40)" and insert "twenty"; section 78, Marriage, paragraph 1, delete in line 3 "foreigners" and insert "persons who are not citizens of American Samoa," and in line 10 delete "foreigner" and insert "person", paragraph 8, delete "President of the," and delete "who" and insert in place thereof "which"; section 95, Dealings between Samoans and non-Samoans, paragraph 1, delete in line 2 "native Samoans" and insert "citizens"; section 98, Assessment and collection of taxes, paragraph 2 (as amended), delete "adjournment of the annual Fono" and insert "last Wednesday in October," and delete "in the administration building, naval station," and insert at the beginning of the last sentence thereof "Until otherwise by law provided", paragraph 3, insert at the beginning thereof "Until by law otherwise provided", paragraph 4, line 3, delete "Samoan" and insert "citizens of American Samoa and every male of part or full Polynesian blood who is not a citizen of American Samoa," and in line 4 delete "foreigner" and insert "other male person," paragraph 8, delete "foreigners" and insert "other male persons"; section 100, Traveling parties between American Samoa and Western Samoa, paragraph 3, delete "will then inform the Governor of Upolu, Savaii, and adjacent islands (known at the time of the original enactment of the regulation as German Samoa) of the full particulars of the intended 'malaga,' and upon a favorable reply being received from the Governor of Upolu, Savaii, and adjacent islands (known at the time of the original enactment of this regulation as German Samoa),"

and delete "but if the Governor of Upolu, Savaii and adjacent islands (known at the time of the original enactment of this regulation as German Samoa) does not approve of the 'malaga' visiting the places under his rule, then no passes shall be granted"; section 102, Department of Communications, paragraph 3, subparagraph 1-a, delete "the allotments of his department in the budget approved by the governor, and with the orders of the governor" and insert "law"; section 103, Fiscal regulations of the government of American Samoa, delete all of this section beginning with paragraph 3 of subsection 2, so that the section as amended shall consist of five paragraphs, and delete paragraph 1 of subsection 1 and insert "There shall be a treasurer of the government of American Samoa who shall be appointed by the governor. He shall furnish a surety bond for the faithful performance of his duties in such sum as the governor shall fix. The premium on the bond shall be paid by the government of American Samoa;" and as set forth in the chapter in the Customs Regulations relating to the subject of customs are hereby amended in paragraph 8 thereof by deleting "the United States Merchant Marine Act of June 5, 1920, applies to American Samoa," and those in the chapter in the Customs Regulations relating to the subject of immigration, which said chapter is section 64 of the codification, are hereby amended in conformity with the amendments above made to section 64.

SEC. 9. That wherever the words "president of the high court" or "an American judge" or "American district judge" or "foreign associate judges" or "foreign officials" or "secretary of native affairs" or "island government of American Samoa" or "regulation" or "declaration," or their equivalents, occur in the laws of American Samoa not repealed by this Act, they are hereby amended to read "chief justice" or "other officials" or "attorney general" or "government of American Samoa" or "law" or "section," or their equivalents, as the context requires.

#### CERTAIN OFFICE ABOLISHED

SEC. 10. That the office of secretary of native affairs is hereby abolished.

#### STYLE OF PROCESS

SEC. 11. That the style of all process in the courts of American Samoa shall hereafter run in the name of "The People of American Samoa," and all prosecutions shall be carried on in the name and by the authority of the people of American Samoa.

#### CHAPTER II—THE LEGISLATURE

SEC. 12. The Legislature of American Samoa shall consist of one house, which shall be organized and shall sit according to the laws of American Samoa, as they are now or may be amended or modified: *Provided*, That the governor shall not be a member thereof. The legislature shall be styled the "Fono." It shall be the judge of the selection and qualifications of its own members. It shall choose its own officers, determine the rules of its procedure, not inconsistent with this Act, and keep a journal.

SEC. 13. No idiot or insane person, and no person who shall be expelled from the Fono for giving or receiving bribes or being accessory thereto, and no person who, in due course of law, shall have been convicted of any criminal offense punishable by imprisonment, whether with or without fine, shall sit in the Fono or hold any office in, or under, or by authority of the government, unless the person so convicted shall have been pardoned and restored to his civil rights. No person shall sit in the Fono who is not a citizen of American Samoa and who has not attained the age of thirty years nor resided in American Samoa for at least five years immediately preceding the sitting of the Fono.

#### OATH OF OFFICE

SEC. 14. That every member of the Fono and all officers of the Government of American Samoa shall take the following oath or affirmation:

"I solemnly swear (or affirm) in the presence of Almighty God that I will faithfully support the Constitution and laws of the United States, and conscientiously and impartially discharge my duties as a member of the Fono or as an officer of the Government of American Samoa (as the case may be)."



## YEAS AND NAYS

Sec. 15. That the yeas and nays of the members on any question shall, at the desire of one-fifth of the members present, be entered on the journal.

## QUORUM

Sec. 16. That a majority of the number of members to which the Fono is entitled shall constitute a quorum for the conduct of ordinary business, of which quorum a majority shall suffice; but the final passage of a law shall require the affirmative vote of a majority of the number of members to which the Fono is entitled.

Sec. 17. That a smaller number than a quorum may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as the Fono may prescribe.

Sec. 18. That, for the purpose of ascertaining whether there is a quorum present, the chairman shall count the number of members present.

## COMPENSATION OF MEMBERS

Sec. 19. That the members of the Fono shall receive no compensation for their services, but may be allowed mileage not in excess of 20 cents a mile each way.

## EXEMPTION FROM LIABILITY

Sec. 20. That no member of the Fono shall be held to answer before any tribunal for any words uttered in his legislative functions in the Fono.

## EXEMPTION FROM ARREST

Sec. 21. That the members of the Fono shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the Fono and in going to and returning from the same: *Provided*, That such privilege as to going and returning shall not cover a period of over ten days each way.

## DISTRICTS

Sec. 22. That for the purpose of representation in the fono American Samoa is divided into the following districts:

The district of Falelima i sisifo (east), island of Tutuila;  
The district of Falelima i sasa'e (west), island of Tutuila;  
The district of Manua, the islands of Ofu, Olosega, and Tau;  
Swains Island shall be administered separately.

## SESSIONS OF THE FONO

Sec. 23. The first session of the annual Fono shall be held between the 1st and 15th day of November each year at Fagatoga.

The governor may convene the Fono in special session, or in case the seat of government shall be unsafe from an enemy, riot, or insurrection, or any dangerous disease, direct that any regular or special session shall be held at some other than the regular meeting place. All meetings of the Fono shall be open and public.

## ENACTING CLAUSE

Sec. 24. That the enacting clause of all laws shall be, "Be it enacted by the people of American Samoa in Fono assembled."

## TITLE OF LAWS

Sec. 25. That each law shall embrace but one subject, which shall be expressed in its title.

## SIGNING BILLS

Sec. 26. That except as herein provided all bills passed by the Fono shall, in order to be valid, be signed by the governor.

## VETO OF GOVERNOR

SEC. 27. That every bill which shall have passed the Fono shall be certified by the presiding officer thereof and shall thereupon be presented to the governor. If he approves it, he shall sign it, and it shall become a law. If the governor does not approve of such bill, he may return it, with his objections, to the Fono.

He may veto any specific item or items in any bill which appropriates money for specific purposes, but shall veto other bills, if at all, only as a whole.

## PROCEDURE UPON RECEIPT OF VETO

SEC. 28. That upon the receipt of a veto message from the governor the Fono shall enter the same at large upon its journal and proceed to reconsider such bill, or part of a bill, and again vote upon it by yeas and nays, which shall be entered upon its journal.

If after such reconsideration such bill, or part of bill, shall be approved by a two-thirds vote of all members of the Fono, it shall become law if approved by the President of the United States. The President shall in his approval designate the date from which the law is effective. No bill vetoed by the governor and so reconsidered by the Fono shall have any validity unless the President shall so approve.

## FAILURE OF GOVERNOR TO SIGN, VETO, OR RETURN BILL

SEC. 29. If the governor neither signs nor vetoes a bill within ten days after it is delivered to him it shall become a law without his signature, unless the Fono adjourns sine die prior to the expiration of such ten days. If any bill shall not be returned by the governor within ten days (Sundays excepted), after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Fono by its adjournment prevents its return, in which case it shall not be a law.

## APPROPRIATIONS

SEC. 30. That appropriations, except as herein otherwise provided, shall be made by the Fono.

SEC. 31. That the governor shall submit to the Fono estimates for appropriations for the succeeding period. He may submit also such bills to the Fono as he shall consider to be in the people's interest.

SEC. 32. That in case of failure of the Fono to pass appropriation bills providing for payments of the necessary current expenses of carrying on the government and meeting its legal obligations as the same are provided for by the then existing laws, and until the Fono shall have acted, the sums appropriated in the last appropriation bills shall be deemed to have been reappropriated.

And all legislative and other appropriations made prior to the date when this Act shall take effect shall be available to the Government of American Samoa.

## LEGISLATIVE POWER

SEC. 33. That the legislative power of American Samoa shall extend to all rightful subjects of legislation not inconsistent with the provisions of this Act and the laws of the United States locally applicable, but it shall not grant to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise without the approval of Congress; nor shall it grant private charters, but it may by general act permit persons to associate themselves together as bodies corporate for agricultural, maritime, and industrial pursuits, and for the establishment and conduct of cemeteries. No divorce shall be granted by the Fono, nor shall any divorce be granted by the courts of American Samoa unless the applicant therefor shall have resided in American Samoa for one year next preceding the application; nor shall any lottery or sale of lottery tickets be allowed; nor shall any public money be appropriated for the support or benefit of any sectarian, denominational, or private school, or any school not under the exclusive control of the government; nor shall any

debt be authorized to be contracted by or on behalf of the Government of American Samoa except to pay the interest on existing indebtedness, to suppress insurrection, or to provide for the common defense, except that in addition to any indebtedness created for that purpose the legislative authority of said government may authorize loans for the erection of penal, charitable, and educational institutions and for public buildings, wharves, roads, harbor, and other public improvements, but the total of such indebtedness incurred in any one year by said government shall not exceed 3 per centum of the assessed value of the property in American Samoa as shown by the last assessment for taxation, and the total indebtedness for the said government shall not at any time be extended beyond 10 per centum of such assessed value; nor shall any such loan be made upon the credit of the public domain or any part thereof; nor shall any bond or other instrument of any such indebtedness be issued unless made payable in not more than thirty years from the date of the issue thereof; nor shall any such bond or indebtedness be issued or incurred until approved by the President of the United States: *Provided, however,* That no issue of bonds or other instruments of any such indebtedness shall be made, other than such bonds or other instruments of indebtedness in serial form maturing in substantially equal annual installments, the first installment to mature not later than five years from the date of the issue of such series and the last installment not later than thirty years from the date of such issue.

### CHAPTER III—THE EXECUTIVE

#### THE EXECUTIVE POWER

SEC. 34. That the executive authority of the Government of American Samoa shall be vested in a governor, who shall be appointed by the President by and with the advice and consent of the Senate of the United States and shall hold his office at the pleasure of the President and until his successor is chosen and qualified. The governor may be an active, retired, or reserve officer of the Navy or Army, or a person from civil life. If the governor shall be such an officer he shall be entitled to receive as salary any difference there may be between his pay as such officer and the salary attached to the office of Governor of American Samoa. The governor shall be not less than thirty years of age; shall be a citizen of the United States; shall be commander in chief of the Militia of American Samoa; and may grant pardons and reprieves and remit fines and forfeitures for offenses against the laws of American Samoa, and reprieves against the laws of the United States, until the decision of the President is made known thereon.

He shall annually, and at such other times as he may be required, make official report of the transactions of the government of American Samoa to the executive department of the Government of the United States to be designated by the President of the United States, and such annual report shall be transmitted to Congress.

#### ENFORCEMENT OF LAW

SEC. 35. That the governor shall be responsible for the faithful execution of the laws of the United States and of American Samoa within the said islands of American Samoa; and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in American Samoa, or summon the *posse comitatus* or call out the Militia to prevent or suppress lawless violence, invasion, insurrection, or rebellion in American Samoa; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus or place American Samoa, or any part thereof, under martial law until communication can be had with the President and his decision thereon be made known.

#### GENERAL POWERS OF THE GOVERNOR

SEC. 36. That all the powers and duties which heretofore by the laws of American Samoa are conferred upon or required of the governor, not inconsistent with the provisions of this Act, are conferred upon and required of the governor, unless otherwise provided and until modified and amended by law.

## ATTORNEY GENERAL

SEC. 37. There shall be an attorney general, who shall be appointed by the President by and with the advice and consent of the Senate of the United States, and hold his office at the pleasure of the President and until his successor shall be appointed and qualified. He shall have the nonjudicial power and duties heretofore reposed in or required of the secretary of native affairs under the laws of American Samoa. He shall record and preserve all the laws and proceedings of the Fono, and all acts and proceedings of the governor and promulgate proclamations of the governor. He shall within thirty days after the end of each session of the Fono transmit to the President, the President of the Senate, and the Speaker of the House of Representatives of the United States one copy each of the laws and journal of such session. He shall transmit to the President, semiannually, on the 1st days of January and July, a copy of the executive proceedings and shall perform such other duties as are prescribed in this Act, or as may be required of him by law.

## ACTING GOVERNOR IN CERTAIN CONTINGENCIES

SEC. 38. That in case of the death, removal, resignation, or disability of the governor, or his absence from American Samoa, the attorney general shall exercise all the powers and perform all the duties of governor during such vacancy, disability, or absence, or until another governor is appointed and qualified. And in case of the death, removal, resignation, disability, or absence of both the governor and attorney general the President may designate from time to time an officer of the Government of American Samoa to act as governor, and the officer so designated shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence.

## APPOINTMENT, REMOVAL, TENURE, AND SALARIES OF OFFICERS

SEC. 39. That the President shall nominate and, by and with the advice and consent of the Senate, appoint the chief justice, who shall hold his office for the term of four years unless sooner removed by the President.

The governor shall, except as herein provided, appoint all officers and boards of a public character that may be created by law. The manner of appointments and removal and the tenure of all other officers shall be as provided by law; and the governor may appoint or remove any officer whose appointment or removal is not otherwise provided for.

The salaries of all officers other than those appointed by the President shall be provided by the Fono, but that of the chief justice shall not be diminished during his term of office.

All officers appointed under the provisions of this section shall be citizens of the United States.

All persons holding office in American Samoa at the time this Act takes effect shall, except as herein otherwise provided, continue to hold their respective offices until their successors are appointed or qualified: *Provided, however*, That nothing in this section shall be construed to conflict with authority and powers conferred by section 33 of this Act.

## CHAPTER IV—THE JUDICIARY

SEC. 40. That the judicial authority of American Samoa shall be vested in one high court and in such inferior courts as the Fono may from time to time establish. And until the Fono shall otherwise provide, the laws of American Samoa heretofore in force concerning the several courts and their jurisdiction and procedure shall continue in force except as herein otherwise provided.

## HIGH COURT

SEC. 41. That the High Court shall consist of the chief justice and two associate judges, who shall be selected from time to time by the chief justice from among the district judges to sit with him as members of the court. If there be a difference of opinion between the chief justice and his associates, the opinion of the chief justice shall prevail. The governor shall not sit as a judge in any court.

## LAWS CONTINUED IN FORCE

SEC. 42. That the laws of American Samoa relative to judicial administration, including civil and criminal procedure, except as amended by this Act are continued in force, subject to modification by Congress or the Fono.

SEC. 43. That no person shall sit as a judge in any case in which his relative by affinity or consanguinity within the third degree is interested either as a plaintiff, a defendant, or in the issue of which the said judge has directly or indirectly, or through such relative, any pecuniary interest; and the Fono may add other causes of disqualification to those herein enumerated.

Unless otherwise provided by law, in case of the disqualification or absence of the chief justice or any judge of any court in any cause pending before the court, on the trial and determination of such cause his place shall be filled by appointment by the governor.

SEC. 44. That the chief justice, when requested by the governor or the Fono, shall render opinions upon questions of law, and upon solemn occasions.

SEC. 45. That the District Court of the United States for the District of Hawaii shall have jurisdiction to review by appeal and thereupon to confirm, modify, or reverse final decisions of the High Court of American Samoa in all cases, civil or criminal, wherein the provisions of this Act or a statute or treaty of the United States, or any authority thereunder, is involved; in all other civil cases wherein the value in controversy, exclusive of interests and costs, exceeds \$2,000; in all other criminal cases where the offense charged is punishable by imprisonment for a term exceeding one year or by death, and in all habeas corpus proceedings. That the said district court of the United States shall also have jurisdiction to review the interlocutory orders and decrees of the said high court, and also whenever any record on appeal is manifestly incomplete or insufficient for a satisfactory understanding of the appeal, to inquire further into the matters in controversy. That, in lieu of statutory requirements applicable elsewhere, the said district court of the United States shall provide by its rules the mode of appeals generally, and particularly taking into consideration informality of procedure in the courts of American Samoa, such rules to be approved by the Attorney General of the United States. That for the above purpose special terms of the said district court of the United States shall be held in American Samoa at such times and in such places as the judges thereof may deem expedient.

## CHAPTER V—MISCELLANEOUS

SEC. 46. That until further provision is made by Congress the wharves and landings constructed or controlled by the government of American Samoa on any seacoast, bay, roadstead, or harbor shall remain under the control of the government of American Samoa, which shall receive and enjoy all revenue derived therefrom on condition that said property shall be kept in good condition for the use and convenience of commerce, but no tolls or charges shall be made by the government of American Samoa for the use of any such property by the United States or by any vessel of war, tug, revenue cutter, or other boat or transport in the service of the United States.

SEC. 47. That except as otherwise provided, the public property ceded and transferred to the United States under the said cessions, shall be and remain in the possession, use, and control of the government of American Samoa, and shall be maintained, managed, and cared for by it, at its own expense, until otherwise provided for by Congress, or taken for the uses and purposes of the United States by direction of the President or the Governor of American Samoa. And any such public property so taken for the uses and purposes of the United States may be restored to its previous status by direction of the President. The President may, from time to time, in his discretion, convey to the people of American Samoa such lands, buildings, or interest in land or other property owned by the United States, and within the territorial limits of American Samoa, as in his opinion are no longer needed for the purposes of the United States.

SEC. 48. That the public lands of American Samoa shall not be sold. They shall be administered under such laws as the Fono shall enact: *Provided*, That all revenues from, or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the

United States, or may be assigned for the use of the Government of American Samoa, shall be used solely for the benefit of the inhabitants of American Samoa for educational and other public purposes.

#### LAND

Sec. 49. That no person not a citizen of American Samoa shall acquire by purchase or otherwise title to land, nor any leasehold interest therein, for a term in excess of twenty years: *Provided, however*, That this prohibition shall not affect the vested rights of persons who, not being citizens of American Samoa or of organizations which were owners of land or held leasehold interests in excess of such term, on the taking effect of this Act, nor shall it apply to the conveyance or transfer, approved by the governor, to an authorized recognized religious society of sufficient land for the erection thereon of a church or a dwelling house for the pastor, or both: *And provided further*, That this prohibition shall not apply to the Government either of American Samoa nor of the United States of America. Any transfers of interests in land in violation hereof shall be void.

Sec. 50. That the following officers shall receive the following annual salaries, to be paid by the United States: The governor, \$10,000; the attorney general, \$6,000; the chief justice, \$6,000. The governor shall receive annually from the United States in addition to his salary the sum of \$500 for stationery, postage, and incidental; and his traveling expenses while absent from the capital on official business. The governor is authorized to employ a private secretary, who shall receive an annual salary of \$2,400, and an interpreter, who shall receive an annual salary of \$1,800, both to be paid by the United States. Said officers and said private secretary shall be entitled to transportation for themselves, their immediate families, and their household effects from their homes in the United States to American Samoa upon their appointment, and from American Samoa to their said homes upon completion of their duties. Each said officers and said private secretary shall be granted also a leave of absence, but not oftener than every other year, as may by the governor be arranged, during which he shall be entitled to an additional allowance of \$500, to be paid by the United States.

#### QUARANTINE

Sec. 51. That quarantine stations shall be established at such places in American Samoa as the Surgeon General of the Public Health Service of the United States shall direct, and the quarantine regulations for American Samoa relating to the importation of diseases from other countries shall be under the control of the Government of the United States. The quarantine stations and grounds at the harbor of Pagopago, together with all the public property belonging to that service, shall be transferred to the Public Health Service of the United States, and said grounds shall continue to be so used and employed until the station is changed to other grounds which may be selected by the order of the Secretary of the Treasury.

The health laws of the government of American Samoa relating to the harbor of Pagopago and other harbors and inlets from the sea, and to the internal control of the health of American Samoa, shall remain in the jurisdiction of the government of American Samoa, subject to the quarantine laws and regulations of the United States.

Sec. 52. That imports from American Samoa into any State or Territory of the United States, of any dutiable article not the growth, production, or manufacture of American Samoa and imported into American Samoa after February 20, 1929, shall pay the same duties that are imposed on the same articles when imported into the United States from any foreign country.

That merchandise and articles which are the growth, production, or manufacture of American Samoa coming into the United States from American Samoa shall be entered at the several ports of entry free of duty, and in no event shall any duties be collected on said merchandise or articles.

#### NATURALIZATION

Sec. 53. That for the purposes of naturalization under the laws of the United States residence in the islands of American Samoa prior to the taking effect of this Act shall be deemed equivalent to residence in the United States, and

the requirement of a previous declaration of intention to become a citizen of the United States and to renounce former allegiance shall not apply to persons who have resided in said islands at least five years prior to the taking effect of this Act, but all other provisions of the laws of the United States relating to naturalization shall, so far as applicable, apply to persons in said islands: *Provided, however,* That no person of Polynesian blood shall be denied the benefit of said laws solely by the fact of such ancestry. The high court of American Samoa is hereby given jurisdiction in naturalization matters, subject to the right of appeal as in this Act provided.

SEC. 54. No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

SEC. 55. Swains Island shall be considered as part of the naval station of Tutuila, and the affairs of the inhabitants thereof shall be administered by the commandant of that station as nearly as practicable in accordance with the laws of American Samoa locally applicable. The commandant shall make a report thereon annually to the Governor of American Samoa.

SEC. 56. This Act shall take effect sixty days from and after the date of the approval thereof, excepting only as to section 32 relating to appropriations, which shall take effect upon such approval.

SEC. 57. This Act may be cited as the "Samoa Organic Act."



